IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4830 OF 2005

Shri. Lailya @ Lahilya Balgandya Kale ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. A.P. Kulkarni for the Applicant.
Shri. K.V. Saste, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 23, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The offence alleged against the Applicant is under sections 394, 395 and section 34 of the Indian Penal Code. The learned Advocate for the Applicant submitted that the Applicant is in custody from 07th June, 2005 and after completion of investigation, he need not be detained in jail. He submitted that age of the Applicant is only thirty years and he is having wife and four children. He submitted that there is no recovery of weapon at the instance of the Applicant.

2. The learned A.P.P. opposed the Application by pointing out that there is recovery of gold ornaments worth Rs.800/- at the instance of the Applicant. He, therefore, submitted that the Applicant cannot be enlarged on bail.

3. I have considered the submissions. The investigation has been substantially completed. I have perused the file containing the papers pertaining to investigation. There is a recovery of gold ear tops worth Rs.800/- at the instance of the Applicant. This is not a case where it is alleged that the

Applicant has used any weapon. It is alleged that the Applicant and co-accused assaulted the persons present in the house of the complainant by stones. However, no grievous or serious injury has been caused to any person. When a query was made to the learned A.P.P. regarding criminal antecedents of the Applicant, the learned A.P.P. on instructions stated that there is no record to show criminal antecedents of the Applicant. The Applicant is in custody from 07th June, 2005. Considering the facts and circumstances of the case, he is entitled to be enlarged on bail.

4. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.46 of 2005 registered with Vadgaon Nimbalkar Police Station, District Pune,** subject to furnishing a personal bond of **Rs.15,000/-** with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will report to the concerned Police Station once in a week till the conclusion of the trial.

iii) The Bail is granted subject to condition that

the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE